

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,	§	No. 5:15–CR–695–DAE
	§	
v.	§	
	§	
JEFFREY OWEN TUCKER,	§	
	§	
Defendant.	§	
	§	

ORDER GRANTING IN PART MOTION TO CONTINUE SENTENCING

On March 3, 2016, Counsel for Defendant Jeffrey Tucker filed an Unopposed Motion to Continue Sentencing for sixty days. (Dkt. # 28.) For the reasons stated below, this motion is **GRANTED IN PART** (Dkt. # 28).

The Court accepted Defendant s plea agreement on October 26, 2015. (Dkt. # 20.) The United States Probation Office (“USPO”) filed its Initial Presentence Report on December 29, 2015 (Dkt. # 22), and Defendant was scheduled to appear before the Court for sentencing on February 8, 2016 (Dkt. # 21).

On February 4, 2016, the USPO filed a Revised Presentence Report, which was amended in response to an objection submitted by the Government on January 14, 2016. (Dkt. # 23; Dkt. # 23-1.) The revisions to the Presentence Report resulted in a seven-level increase to Defendant’s total offense level. (Compare Dkt. # 22 ¶ 32 with Dkt. # 23 ¶ 32.) On February 5, 2016, Defense

Counsel moved to continue sentencing, stating that he had never been served with the Government's objections, as required by the Federal Rules of Criminal Procedure. (Dkt. # 25 at 1.) See Fed. R. Crim. P. 32(f)(2). The Court continued Defendant's sentencing date to March 7, 2016. (Dkt. ## 26, 27.)

Defense Counsel now seeks to continue sentencing by an additional sixty days. (Dkt. # 28 at 1.) Defense counsel states that the Government's objections deal with file-sharing programs of a highly technical nature, and must be evaluated by an expert. (Id.) Because this Court has already continued defendant's sentencing date by twenty-eight (28) days, a sixty-day continuance is longer than necessary.

It is therefore ordered that Defendant's Unopposed Motion to Continue (Dkt. # 28) is **GRANTED IN PART**. Defendant's case is reset for sentencing in Courtroom 5, on the Third Floor of the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Boulevard, San Antonio, Texas, on **Monday, April 18, and 09:00 AM**. No further requests for extensions of time will be granted.

It is further ordered that the Clerk of Court shall send a copy of this order to counsel for defendant, the United States Attorney, United States Pretrial Services and the USPO. Counsel for defendant shall notify the defendant of this setting.

**IT IS SO ORDERED.**

**DATED:** San Antonio, Texas. March 4, 2016.

A handwritten signature in black ink, appearing to read 'DAE', is written over a horizontal line.

David Alan Ezra  
Senior United States District Judge